

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention or design entitled **SYSTEM AND METHOD FOR SELECTING A COMPRESSION ALGORITHM ACCORDING TO AN AVAILABLE BANDWIDTH**, the specification which is attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| <u>Number</u> | <u>Country</u> | <u>Date Filed</u> | <u>Priority Claimed</u> (Yes) (No) |
|---------------|----------------|-------------------|---------------------------------------|
| N/A | | | |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| <u>Application Serial Number</u> | <u>Date Filed</u> | <u>Status</u> |
|--------------------------------------|-------------------|---------------|
| N/A | | |

I hereby appoint:

| | |
|---------------------------|-----------------|
| Jerry W. Mills | Reg. No. 23,005 |
| Robert M. Chiaviello, Jr. | Reg. No. 32,461 |
| Ann C. Livingston | Reg. No. 32,479 |
| Thomas R. Felger | Reg. No. 28,842 |
| Charles S. Fish | Reg. No. 35,870 |
| Kevin J. Meek | Reg. No. 33,738 |
| T. Murray Smith | Reg. No. 30,222 |
| Barton E. Showalter | Reg. No. 38,302 |
| David G. Wille | Reg. No. 38,363 |
| Bradley P. Williams | Reg. No. 40,227 |
| Terry J. Stalford | Reg. No. 39,522 |
| Christopher W. Kennerly | Reg. No. 40,675 |
| Harold E. Meier | Reg. No. 22,428 |
| Douglas M. Kubehl | Reg. No. 41,915 |
| Samir A. Bhavsar | Reg. No. 41,617 |
| Thomas R. Nesbitt, Jr. | Reg. No. 22,075 |
| James J. Maune | Reg. No. 26,946 |
| Roger J. Fulghum | Reg. No. 39,678 |
| Scott F. Partridge | Reg. No. 28,142 |
| James B. Arpin | Reg. No. 33,470 |
| Jay B. Johnson | Reg. No. 38,193 |
| Robert W. Holland | Reg. No. 40,020 |
| James L. Baudino | Reg. No. 43,486 |
| Tara D. Knapp | Reg. No. 43,723 |
| William R. Borchers | Reg. No. 44,549 |
| Brian W. Oaks | Reg. No. 44,981 |
| Luke K. Pedersen | Reg. No. 45,003 |
| Matthew B. Talpis | Reg. No. 45,152 |
| David M. Doyle | Reg. No. 43,596 |
| Keiko Ichiye | Reg. No. 45,460 |
| Jeffery D. Baxter | Reg. No. 45,560 |
| Thomas A. Beaton | Reg. No. 46,543 |
| Kurt M. Pankratz | Reg. No. 46,977 |
| Brian E. Szymczak | Reg. No. 47,120 |
| Thomas J. Frame | Reg. No. 47,232 |

Patent Agents:

| | |
|------------------|-----------------|
| Brian A. Dietzel | Reg. No. 44,656 |
| Kevin R. Imes | Reg. No. 44,795 |

all of the firm of Baker Botts L.L.P., my attorneys/agents with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:

Baker Botts L.L.P.
2001 Ross Avenue
Dallas, Texas 75201-2980

Direct Telephone Calls To:

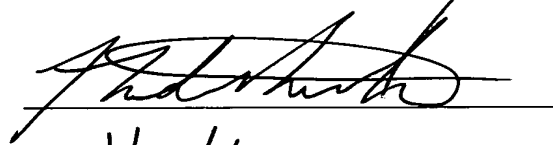
Barton E. Showalter
at (214) 953-6509
Atty. Docket No. 066303.0124

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first joint inventor,

Robert H. Whitcher

Inventor's signature



Date

1/17/01

Residence (City, County, State)

Austin, Travis County, Texas

Citizenship

United States of America

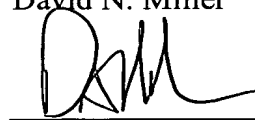
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Full name of second joint inventor, if any

David N. Miller

Inventor's signature



Date

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Full name of third joint inventor, if any

Eric Sean Parham

Inventor's signature



Date

1/9/01

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Citizenship

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066303.0124

Applicant or Patentee: Robert H. Whitcher, et al.

Attorney's Docket No. 066303.0124

Serial or Patent No.

Filed or Issued:

Title: SYSTEM AND METHOD FOR SELECTING A COMPRESSION ALGORITHM
ACCORDING TO AN AVAILABLE BANDWIDTH

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) -- SMALL BUSINESS CONCERN

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: General Bandwidth Inc.
Address of Small Business Concern: 12303-B Technology Blvd.
Austin, Texas 78727

I hereby state that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled SYSTEM AND METHOD FOR SELECTING A COMPRESSION ALGORITHM ACCORDING TO AN AVAILABLE BANDWIDTH by inventors Robert H. Whitcher, David N. Miller, Eric Sean Parham, described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e):

NONE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or my maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

Name of Person Signing: Brendon W. Mills
Title of Person if other than owner: President and CEO

Address of Person Signing 12303-B Technology Blvd.
Austin, Texas 78727

Signature: BW Mills

Date: 2-12-01